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The Forgotten Victim: A History of the Civilian

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It is appropriate that author Beres selected a mythological character to set the title and tone of his little book. If the United States will have "... faith in the new forms of international interaction" we will, hand in hand with the peace-loving Soviets, "... fulfill the expectations of a new global society, one based on a more advanced stage of evolutionary development. Why not world government? While the questions surrounding world government are enormously complex, there is really no reason to believe that fundamental transformations of the existing pattern of military force and sovereign authority are an appropriate path to avoidance of nuclear war."

In a word, Beres does not "... believe [in] fundamental transformations of existing ... military ... and sovereign authority": he believes in a "world federal government ... [of] disarmed states and a lightly armed world government force."

You need to read this book to understand the mentality of those who would exploit children and children's fears in political demonstrations against current US nuclear defense policy and strategy. And then put it up on your book shelf, right next to *The Myth of Sisyphus* and *Hansel and Gretel*.

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Hartigan, Richard Shelly, *The Forgotten Victim: A History of the Civilian*. Chicago, IL: Precedent, 1982, 177pp. \$17.95

"The first ground handful of nitre,

sulphur and charcoal drove monk Schwarz's pestle through the ceiling; what will the last do?" Carlyle's questions heads the last chapter of this very useful and well-documented little book. Despite its badly misleading title and crude cartoon frontispiece, the excellent monograph is not a history of civilian casualties in war, though it does serve to remind the reader that far more civilians have perished in the wars of history than military personnel. Actually, it is an admirably concise summation of classical just war theory with emphasis on the principle of discrimination, the rule that unarmed civilians should be treated in warfare as innocent and should not be harmed.

Hartigan, a professor of political science in the University of Chicago, focuses his attention on the historical and theological development of the principle of discrimination as laid down by Christian theorists and developed through fifteen centuries of Western civilization. He identifies Augustine as the true founder of just war theory, citing his characterization of just wars as "... those which avenge injuries, when the nation or city against which warlike action is to be directed has neglected either to punish wrongs committed by its own citizens or to restore what has been unjustly taken by it."

Good classical man that he was, Augustine tended to identify the citizen with his state, and paid more attention to the conditions under which a just war might licitly be declared (*jus ad bellum*) rather than to the principle of discrimination—one

of the two major rules of *jus in bello*. If innocent people are slain in a just war, says Augustine, that is deplorable but not unpardonable. For God allows the innocent to suffer evil in this life, knowing that proper redress will be made in the next. This harsh doctrine was modified in the Middle Ages by a number of moral theologians. Aquinas follows Augustine in regarding the purpose of a just war as punitive, that is, avenging a major wrong, but spells out the conditions of a just war by expansion, essentially in the form that has come down to us today: the just war must be declared by duly constituted authority and a just cause is required; there must be some chance of winning the war; the good aimed at must be proportionate to the means used to achieve it.

But Aquinas is aware of the problem of the innocent in warfare and introduces the principle of double effect to lift blame from those military commanders engaged in actions in which innocent civilians are unintentionally killed. "The act of self defense," says Aquinas, "can have two effects. One is the saving of one's life, the other is the slaying of the aggressor." By extension the principle may be applied to a military commander whose duty may be to take a certain objective. He knows that in achieving it, innocent civilians will be killed. But he does not intend this, and may regard it as lamentable. Hence his action is not condemnable unless the evil unintentionally done on innocent civilians is disproportionate to the good represented by the taking of the military objective, and known by

the commander to be so.

Vitoria, the 16th-century Spanish theologian, makes explicit the principle of proportionality in *jus in bello*. It is never lawful, he says, to kill many innocent persons merely to punish the guilty. The Salamanca scholar knew that the principle of double effect could be misused as double-speak. "It is never right," he says, "to slay the guiltless even as an indirect and unintended result except where there is no other means of carrying on the operation of a just war."

With Vitoria and Suárez as mediators between medieval scholasticism and 17th-century philosophy of law, the author leads us to Grotius, Vattel, and the other natural law theorists who, in the name of reason, as well as Christian charity, tried hard to humanize the usages of war and to get something of this humanity into international law. Such an effort was badly needed, for the Thirty Years War had more than decimated the civilian population of Europe. Yet for all the influence of the Enlightenment that followed, the injection of ideology into national conflict via the French Revolution and the introduction of the *levée en masse* as a means of conscription, heated up both the idea and actuality of total war with all its entailed suffering of civilian populations.

Hartigan recalls that the first military published code governing the conduct of armies in the field toward civilian populations was drafted for the Union Army in the American Civil War by Columbia College professor, Francis Lieber. The code was

signed into law by President Lincoln and issued as General Order, Number 100. (See Richard S. Hartigan, Lieber's Code and *The Law of War* (Chicago: Precedent, 1933).)

Hartigan's concluding chapter mentions the two World Wars of our century and their lethal effect on civilian populations. He alludes to the Vietnam war with particular reference to the difficulty in that bitter conflict of distinguishing between civilians and lawful combatants. Finally he raises the question of sanity as well as of morality of nuclear warfare which he regards (*pace* many informed military technologists) as essentially nondiscriminatory—not forgetting to identify certain strategic bombings of World War II as culpable as well.

Despite the sketchiness of its final chapter, *The Forgotten Victim* makes a useful handbook for anyone who wants just war theory (with emphasis on the principle of discrimination) at a fingertip's reach. It is really surprising how the author has managed to pack into so few pages the essential points of the development of just war doctrine. He has succeeded as well in supporting each point with apt reference to theological and juridical authority, each in turn, backed by what the old rabbis would call, a suitable proof-text. A new edition, a change of title, and a soft-cover format would help this book to reach the wider audience it deserves.

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Hassler, Warren W. *With Shield and Sword: American Military Affairs*,

Colonial Times to the Present. Ames: Iowa State University Press, 1982. 462 pp. \$29.50

While the study of US military history has undergone a major transformation and expansion during the past few decades, the field continues to be plagued by a paucity of comprehensive, up-to-date and readable syntheses. In *With Shield and Sword*, Warren W. Hassler has attempted to fill this gap by writing a survey of US military history, from colonial times to the present, which integrates an analysis of military policies and key personalities with the more traditional land, sea, and air operations.

Hassler is well qualified for such an ambitious task. A Professor of History at Pennsylvania State University for nearly thirty years, he has written extensively in the field of US military history, most notably in the areas of the Civil War and the President as Commander in Chief. He has also been a visiting Professor of Military History in the prestigious Morrison chair at the Leavenworth Command and General Staff College and at West Point. His knowledge of the field is comprehensive and outstanding, a fact illustrated not only by the enormous amount of data presented in the text itself, but also by his extensive notes and bibliography and by his use of a very wide variety of unpublished and published primary as well as secondary sources.

In many ways, Hassler is quite successful in providing a comprehensive survey. His 388 pages of text are arranged into fifteen chronological chapters which provide brief but inci-